

TOWN OF KITTERY, MAINE  
PLANNING BOARD MEETING  
Council Chambers

APPROVED  
October 11, 2012

Meeting called to order at 6:03 p.m.

Board Members Present: Deborah Driscoll, Ann Grinnell, Rich Balano, Tom Emerson

Members absent: David Kelly, Susan Tuveson

Staff: Gerry Mylroie, Town Planner; Chris Di Matteo, Assistant Town Planner

Pledge to the Flag

**Minutes: September 27, 2012**

**Ms. Driscoll moved** to accept the minutes of September 27, 2012 as submitted

**Mr. Balano seconded**

**Motion carried unanimously by all members present**

Public Comment:

Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

There was no public comment.

**ITEM 1 – Redevelopment of former Fraternal Hall Building, Wallingford Square LLC., Site Plan Review.**

Action: Accept or deny preliminary plan application and schedule a public hearing. Wallingford Sq. LLC, owner and applicant, requests approval to redevelop the former Masonic building and associated site located at 7-17 Wallingford Sq., Tax Map 4, Lot 106, Mixed Use Kittery Foreside Zone. Agent is Deane Rykerson, Rykerson Architecture.

**Michael Landgarten**, owner, summarized the proposal noting the mix includes retail, office and residential space and improvements will revive and restore the historic character of the building. In summary:

Floor 1 – 6 small retail spaces;

Floor 2 – 7 office spaces and yoga studio (to remain);

Floor 3 – 2- 1,000 sq ft apartments

He noted there are sufficient parking spaces on site to meet code requirements.

**Earldean Wells** asked about landscaping and snow storage. Mr. Landgarten stated they would be hauling snow away from the site. Ms. Grinnell believes the project is a good match for the area. She asked the total square footage of retail space and the total area by which parking is figured be made more clear, and include the square footage of the yoga space on the plans submitted.

**Mr. Balano moved** to find the application substantially complete and schedule for a public hearing

**Mr. Melanson seconded**

**Motion carries unanimously by all members present.**

A site walk was scheduled for Tuesday, October 23, 2012 at 5:00 p.m.

A date for the public hearing will be determined following discussion of the pending agenda for the October 25 meeting.

**ITEM 2 – Proposed roof-top deck for Higgins Residence, Shoreland Development Review.**

Action: Accept or deny preliminary plan application and schedule a public hearing. James Higgins, owner and applicant, requests approval for a new deck at their property located at 2 Bridgeview Terrace, Tax Map 2, Lot 42D Residential – Suburban Zone and Shoreland Overlay Zone.

**James Higgins**, owner, explained the residence is currently a 3-unit residence. Their proposal is to add a deck on the roof portion of unit 2, reducing the existing deck by 52.25 square feet, creating a net increase of 70.75 square

feet. **Earldean Wells** asked if this increase is part of the 30% allowable expansion in the Shoreland zone. **Mr. Di Matteo** explained the addition is less than 30%, at approximately 12% in area expansion.

**Mr. Melanson moved** to accept the application as substantially complete and schedule this item for a public hearing.

**Mr. Balano seconded**

**Motion carries unanimously**

A public hearing will be scheduled pending the agenda schedule for the 10/25/12 meeting.

**ITEM 3 – Town Planner Items:**

A. Selected Commercial Recreation definition – no action.

B. Old Post Road Amended Site Plan preliminary approval extension.

Michael DesJardins requested a 6 month extension to complete final plan submittal.

**Mr. Melanson moved** to grant the requested 6 month extension

**Ms. Grinnell seconded**

**Motion carries unanimously**

C. Lewis Farms II Subdivision preliminary approval extension

The applicant requested this extension request be heard at the 10/25/12 meeting.

**Mr. Melanson moved** to continue this extension request to the next Board meeting.

**Mr. Balano seconded**

**Motion carries unanimously.**

D. MDOT Public Meeting on October 25, 2012

**Mr. Mylroie** stated this will be the first item on the 10/25/12 agenda, and information will be provided in the Board packets. An additional meeting is scheduled for November 29 where a more final design will be submitted. Board members discussed their role in MDOT and town department projects within the Town, including the Board's need to be made aware of upcoming projects and notification of affected parties.

Other items to included in the October 25 agenda includes the Circle of Honor plan, the rain garden and the Higgins public hearing. **Ms. Grinnell** asked if the Historical Society should be included in the meeting of October 25 as they have been impacted by the various proposals. **Mr. Mylroie** stated there is a meeting scheduled with the Society regarding the Circle of Honor. Board members concurred the Society should be notified and included in the October 25 meeting.

The November 8 Planning Board meeting will include the Masonic building and the public hearing for Wallingford LLC. **Ms. Driscoll** noted there is a parking issue in the Foreside and suggested the Board review this following the scheduled site walk. Discussion followed regarding the seating in the public ROW and the increased seating proposed by Wallingford LLC, which is not in the public ROW.

E. Other updates

Bridge Illumination:

The Board discussed the proposal to illuminate the bridge and the anticipated shared costs between Kittery and Portsmouth. It was noted the current ordinance does not permit LED lighting.

**Mr. Melanson moved** the Planning Board express their support of the proposed LED illumination of the Memorial Bridge and prior to this activity, the Board will amend the ordinance to permit LED lighting.

**Mr. Balano seconded**

**Motion carries unanimous**

**Ms. Driscoll** asked about the removal of pavement at the John Paul Jones Park. **Mr. Mylroie** stated this is part of an MDOT project, including sidewalk replacement and crossing upgrades.

**Mr. Mylroie** noted MDOT is holding a public information meeting regarding the Sarah Long Bridge at the Kittery Trading Post on October 18 at 2:30 p.m.

**Mr. DiMatteo** provided the CIP list to the Board for their information.

**Mr. Emerson** noted that according to Title 16.10.3.1, 16.10.3.2, 16.10.3.3 and the MMA Manual for Local Planning Boards the Planning Board has the authority to review any projects conducted by the State or municipal departments. Mr. Emerson provided a draft letter to the Town Manager [attached] outlining this understanding, and members asked he submit the letter to the Council and department heads as well. Members discussed their role in intra-departmental reviews and the need for public notification.

The Kittery Planning Board meeting of October 11, 2012 adjourned at 7:32 p.m.

**WORKSHOP:** *(Scheduled to follow the regular Planning Board Meeting)*

ITEM 1 – Town Code Amendments to Title 16 Chapter 10 Development Plan Application and Review.

Submitted by Jan Fisk, Recorder – October 16, 2012

ATTACHMENT

P.B. May  
10/11/12

MEMO:

To: Robert Markel  
Town Manager  
Town of Kittery

From: Tom Emerson  
Chairman, Kittery Planning Board

CC:

Bob,

In light of the current situation adjacent Memorial Circle, the Planning Board would like to state that our understanding of Chapter 16.10.3.1 and 16.10.3.2 of the Town of Kittery Land Use & Development Code is that all site development taking place in town regardless of project origination or funding source is to be presented to the Planning Board for approval. Further, 16.10.3.3 specifically prohibits "land clearing" until Planning Board approval has been obtained. We have been discussing clarifying this section and will present such to the Town Council prior to the scheduled workshop concerning the Notice of Violation from DEP. We would like to make our position and our expectation clear, that any site development proposals currently anticipated by the Town of Kittery should be reviewed by the Planning Board prior to execution.

Respectfully,  
Tom Emerson